IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18175 of 2004

Between:

K.Nalini,

D/o.K.Gopalakrishna Pillai,
R/o.C-28, MIG, 1st Phase, First floor,

Vanasthalipuram,
Hyderabad.-70.

..... PETITIONER

AND

1 The Depot Manager,

APSRTC, Chittoor –I,

Depot Chittoor, Chittoor Dist.
2 The Regional Manager,

APSRTC,

Tirupati Region,

Tirupati, Chittoor Dist.
3 The Senior Law officer,

O/o. The Managing Director, APSRTC,
Azamabad, Musheerabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd Respondent in so far as directing the petitioner to pay the fresh security deposit and treating the intervening period i.e. from the date of removal till date of reporting for duties as not on duty for the purpose of pay and increments conditions Nos. 2&3 vide proceedings No.E2/785(11)/2003-

RM(T), dated 27-9-2004 based on the Lr.No.A1/785(319)/2004, dated 16-9-2004 of the 3rd Respondent is illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and set aside the same.

Counsel for the Petitioner: Mr. J.M.NAIDU

Counsel for the Respondents :Mr. P.VINAYAKA SWAMY

The Court at the admission stage made the following ORDER:

The petitioner worked as a Conductor in the respondent-corporation since 1998. She was issued charge sheet for certain irregularities and was removed from service on 31-12-2003 by way of punishment. She approached this Court through W.P.No.779 of 2004 and the order of removal was suspended by directing the petitioner to be reinstated, subject to the result of the W.P.No.779 of 2004. The petitioner was reinstated into service on 27-9-2004. She was directed to make a fresh security deposit through the order of reinstatement. The petitioner contends that since the order to forfeiture and the removal were suspended, it shall be deemed that the security deposit is in force. Therefore, she need not pay any amount towards the further security deposit. The petitioner further contends that she is entitled for the salary and increments during the period from the date of removal till the date of reinstatement as she was not paid those amounts. The petitioner, therefore, approached this Court challenging the order of the respondents dated 27-9-2004 and 16-9-2004 as illegal and arbitrary.

Since the order of removal was suspended in toto, the petitioner need not pay fresh security deposit pending disposal of the Writ Petition. Regarding the salary, increments etc., for the out of service period, the petitioner is entitled to work out her rights after the final disposal of the Writ Petition.

The Writ Petition is accordingly disposed of.

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(Dr. G.YETHIRAJULU,J)

6th October, 2004.

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To

1 The Depot Manager,

APSRTC, Chittoor –I,

Depot Chittoor, Chittoor Dist.

2 The Regional Manager,

APSRTC,

Tirupati Region,

Tirupati, Chittoor Dist.

3 The Senior Law officer,

O/o. The Managing Director, APSRTC,
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